

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

SHEILA FERNÁNDEZ SANTIAGO

Plaintiff(s),

v.

KING UNIFORMS AND LAUNDRY, INC.

Defendant(s).

CIVIL CASE NO.

20-cv-1523 GAG



Jury trial demanded
(check if applicable)

EMPLOYMENT DISCRIMINATION COMPLAINT

JURISDICTION

1. This employment discrimination lawsuit is based on (check only those that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq., for employment discrimination on the basis of race, color, religion, gender, or national origin. NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.
- ☐ Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621, et seq., for employment discrimination on the basis of age (age 40 or older). NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.
- ☐ American with Disabilities Act of 1990, as amended, 42 U.S.C. §§ 12101, et seq., for employment discrimination on the basis of disability. NOTE: In order to bring suit in federal district court under the American with Disabilities Act, you must first obtain a right-to-sue letter from the Equal Employment Opportunity Commission.

- ☐ Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 701, et seq., for employment discrimination on the basis of a disability by an employer which constitutes a program or activity receiving federal financial assistance. NOTE: In order to bring suit in federal district court under the Rehabilitation Act of 1973, you must first file charges with the appropriate Equal Employment Office representative or agency.

☒

Other (describe using additional sheets if necessary): _____

FAIR LABOR STANDARDS ACT

29 U.S.C. § 201 - Failure to pay minimum wage and failing to pay my FICA taxes.

Social Security tax and Medicare tax were not paid.

29 U.S.C. § 211(c) - willful failure to keep and preserve accurate time records.

PARTIES

2. Plaintiff

Plaintiff's Name: SHEILA M. FERNANDEZ SANTIAGO

Plaintiff's Address:
(Street or Postal Address) PO BOX 143515
ARECIBO PR 00614

Plaintiff's Telephone
and Fax Numbers (787) 359-5845

Plaintiff's E-Mail SHEMA0028@GMAIL.COM

3. Defendant

Defendant's Name: KING UNIFORMS AND LAUNDRY, INC.

Defendant's Address: PO BOX 1138
(Street or Postal Address) ARECBO, PR, 00613

Defendant's Telephone and Fax Numbers 787-881-1167

Defendant's E-Mail ACCOUNTSPAYABLE@KINGUNIFORMS.NET

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES, ADDRESSES, TELEPHONE AND FAX NUMBERS, AND E-MAIL ADDRESSES ON A SEPARATE SHEET OF PAPER.

VENUE

4. If you are claiming that the discriminatory conduct occurred at a different location, please provide the following information:

PR-2 km 68.9, Santana,	arecibo	Puerto Rico	00614
(Street Address)	(City/Municipality)	(State)	(Zip Code)

5. When did the discrimination occur? Please give the date or time period:

From December 2017 to July 2018

ADMINISTRATIVE PROCEDURES

6. Did you file a charge of discrimination against the defendant(s) with the Puerto Rico Department of Labor?

 Yes Date filed: _____

 X No No FLSA Charge of discrimination

7. Did you file a charge of discrimination against the defendant(s) with the Equal Employment Opportunity Commission or other federal agency?

____ Yes Date filed: _____

☒ No No FLSA claim filed with EEOC

8. Have you received a Notice of Right-to-Sue Letter?

____ Yes

☒ No

If yes, please attach a copy of the letter to this complaint.

9. If you are claiming age discrimination, check one of the following:

 N/A 60 days or more have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission

_____ fewer than 60 days have passed since I filed my charge of age discrimination with the Equal Employment Opportunity Commission

NATURE OF THE CASE

10. The conduct complained of in this lawsuit involves (check only those that apply):

____ failure to hire me

____ termination of my employment

____ failure to promote me

____ failure to accommodate my disability

____ terms and conditions of my employment differ from those of similar employees

____ retaliation

____ harassment

☒ other conduct (specify): Employment - Wages - Fair Labor Standards

Did you complain about this same conduct in your charge of discrimination?

☐ Yes

☒ n/A No

11. I believe that I was discriminated against because of my (check all that apply):

☐ race

☐ religion

☐ national origin

☐ color

☐ gender

☐ disability

☐ age (my birth date is: _____)

☒ other: Employee discrimination. I believe only blue collar employees are
victims of this practice.

Did you state the same reason(s) in your charge of discrimination?

☐ Yes

☒ N/A No

12. State here, as briefly and clearly as possible, the essential facts of your claim. Describe specifically the conduct that you believe is discriminatory and describe how each defendant is involved in the conduct. Take time to organize your statement; you may use numbered paragraphs if you find it helpful. It is not necessary to make legal arguments, or to cite cases or statutes.

From December 2017 to July 2018, I worked for the King Uniforms, but they did not make any mandatory withholding or contributions to state, municipal or federal agencies, such as the social security administration, taxes, and other mandatory contributions under state and federal law. Simply put, I was not on the payroll. They paid in cash. Because other employees were "on the payroll" King Uniform knew that it was required to withhold payroll taxes (federal and state income tax and FICA (Social Security/Medicare) tax) from employee pay; it knew that it was required to report the amount of withholding for Plaintiff to the proper tax collection agencies; it knew that it was required to submit FICA tax and the employer portion of the taxes to the IRS on a scheduled basis; it knew it was required to report employee income on Form W-2 each year, including cash income, and intentionally failed to do so. Their gross income at the time, and now, was over \$500,000. There are over 50 employees.

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(Attach additional sheets as necessary)

13. The acts set forth in paragraph 12 of this complaint:

 are still being committed by the defendant

_____ are no longer being committed by the defendant

X may still be being committed by the defendant

REQUEST FOR RELIEF

State briefly and exactly what you want the Court to do for you. Make no legal arguments; cite no cases or statutes.

All remedies available to an employee that was "off the payroll" because of the intetional conduct of
the employer. This includes without limitation damages, compensation, costs, legal fees, litigation costs
under section 201 and 211 of the fair labor standards act.

Signed this 01 day of octubre, 2020.



Signature of Plaintiff